
SENATE BILL 5346

State of Washington 60th Legislature 2007 Regular Session

By Senators Kline and Hargrove

Read first time 01/17/2007. Referred to Committee on Judiciary.

1 AN ACT Relating to interest on judgments entered against offenders;
2 and amending RCW 10.82.090.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 10.82.090 and 2004 c 121 s 1 are each amended to read
5 as follows:

6 (1)(a) Except as provided in subsection (2) of this section,
7 financial obligations imposed in a judgment shall bear interest as
8 follows:

9 (i) If the sentence of the offender does not include a period of
10 total confinement, financial obligations imposed in a judgment shall
11 bear interest from the date of the judgment until payment, at the rate
12 applicable to civil judgments.

13 (ii) If the sentence of the offender includes a period of total
14 confinement:

15 (A) Financial obligations imposed in a judgment related to
16 restitution shall bear interest from the date of the judgment until
17 payment, at the rate applicable to civil judgments; and

18 (B) Financial obligations related to costs, fines, and other

1 assessments, other than restitution, shall bear interest from the date
2 of the offender's release from total confinement until payment, at the
3 rate applicable to civil judgments.

4 (b) All nonrestitution interest retained by the court shall be
5 split twenty-five percent to the state treasurer for deposit in the
6 public safety and education account as provided in RCW 43.08.250,
7 twenty-five percent to the state treasurer for deposit in the judicial
8 information system account as provided in RCW 2.68.020, twenty-five
9 percent to the county current expense fund, and twenty-five percent to
10 the county current expense fund to fund local courts.

11 (2) The court may, on motion by the offender, following the
12 offender's release from total confinement, reduce or waive the interest
13 on legal financial obligations levied as a result of a criminal
14 conviction. The court may reduce or waive the interest only as an
15 incentive for the offender to meet his or her legal financial
16 obligations. The court may not waive the interest on the restitution
17 portion of the legal financial obligation and may only reduce the
18 interest on the restitution portion of the legal financial obligation
19 if the principal of the restitution has been paid in full. The
20 offender must show that he or she has personally made a good faith
21 effort to pay, that the interest accrual is causing a significant
22 hardship, and that he or she will be unable to pay the principal and
23 interest in full and that reduction or waiver of the interest will
24 likely enable the offender to pay the full principal and any remaining
25 interest thereon. For purposes of this section, "good faith effort"
26 means that the offender has either (a) paid the principal amount in
27 full; or (b) made twenty-four consecutive monthly payments, excluding
28 any payments mandatorily deducted by the department of corrections, on
29 his or her legal financial obligations under his or her payment
30 agreement with the court. The court may grant the motion, establish a
31 payment schedule, and retain jurisdiction over the offender for
32 purposes of reviewing and revising the reduction or waiver of interest.
33 This section applies to persons convicted as adults or in juvenile
34 court.

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